



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 4669-00
11 October 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1160 PERS 815 of 31 August 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1160
PERS-815
31 Aug 00

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: Pers-OOZCB

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 22 Jun 00
(b) NAVADMIN 050/00
(c) MILPERSMAN 1160-030

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval of the petitioner's request.

- The petitioner's ADSD is 18 November 1985.

- The petitioner passed through the zone "C" window on 17 November 1999. Reference (b) listed a zone "C" SRB entitlement for the AT(0000) rate at the time the petitioner passed through the zone "C" window.

- The petitioner was placed in ACC status 105 limited duty (LIMDU) on 17 September 1999.

- The petitioner received a zone "C" SRB reenlistment approval from PERS-815 to reenlist on 15 November 1999. However, the petitioner was not allowed to reenlist at that time because he was in the LIMDU status.

- The petitioner was fit for full duty and reenlisted on 25 May 2000 for three years to continue active service.

- The petitioner requests to backdate the reenlistment to 15 November 1999, the month he would have passed through the zone for SRB and received the entitlement offered in reference (b).

- Per reference (c), to be eligible for enlistment or reenlistment in the regular Navy, a member must be physically qualified.

- The petitioner had to be fit for full duty ACC 100 prior to reenlistment.

Subj: BCNR PETITION ICO [REDACTED]

2. In view of the above, recommend the petitioner's record remain as is.

3. This is an advisory memorandum to reference (a) for use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.

[REDACTED]
Head,
Reenlistment Incentives Branch